

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

TIFFENY NANCE,  
Plaintiff,  
v.

RYDER INTEGRATED LOGISTICS, INC.,  
et al.,  
Defendants.

Case No. 23-cv-03345-JD

**ORDER RE TRANSFER**

Plaintiff Tiffeny Nance alleges labor law violations against her employer, defendants Ryder Integrated Logistics, Inc. and Ryder System, Inc. (Ryder), under California's Private Attorneys' General Act (PAGA). Dkt. No. 1 at 2. She previously filed a putative class action based on the same conduct in the Eastern District of California. Ryder has filed a motion to transfer venue to the Eastern District under 28 United States Code section 1404(a), and the first-to-file rule, Dkt. No. 13, which Nance opposes in favor of a remand to state court, Dkt. Nos. 16, 15.

Transfer is ordered to the Eastern District of California. There is no dispute that all of the events giving rise to the complaint took place in the Eastern District, and that witnesses, documents, and other evidence are primarily located there. Nance agrees that venue is proper there. Dkt. No. 16 at 2 ("Should the Court ultimately determine that it has jurisdiction, and that remand is not appropriate, Plaintiff does not object to transfer.").

Nance's objection that a transfer is not appropriate because the Court is said to lack subject matter jurisdiction is not well taken. "[V]enue may be addressed first, particularly when, as here, the Court cannot 'readily determine that it lacks jurisdiction over the cause.'" *Jimenez v. Horizon Actuarial Servs., LLC*, No. 3:22-CV-04550-JD, 2023 WL 309049, at \*1 (N.D. Cal. Jan. 18, 2023) (quoting *Sinochem Int'l Co. Ltd. v. Malaysia Int'l Shipping Corp.*, 549 U.S. 422, 432 (2007)). The

1 federal court already presiding over plaintiff's non-PAGA claims is best positioned to determine  
2 whether the PAGA action belongs in federal court.

3 The case management conference set for October 19, 2023, is vacated.

4 **IT IS SO ORDERED.**

5 Dated: October 16, 2023

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JAMES DONATO  
United States District Judge

United States District Court  
Northern District of California